

## **EXHIBIT 1**

ØSSHØÖ  
GEGÍ ÁRMÁSGÍ ÁEJKEEÁBT  
SØØÅDUWØVY  
ÙWØUØÜØÜÅWØUWØVÅSHØÜS  
ØEØSSØÖ  
ØOEEØÅKÍGÍ EEEGFI Ì ËJÅØEE

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY**

# VALVE CORPORATION,

Petitioner,

V.

TYLER KEMP

## Respondent

No

**VALVE CORPORATION'S PETITION  
TO CONFIRM ARBITRATION AWARD  
PURSUANT TO RCW 7.04A.220 AND  
FOR A JUDGMENT PURSUANT TO  
RCW 7.04A.250**

Valve Corporation (“Valve”) requests an order pursuant to RCW 7.04A.220 confirming the Award of Arbitrator issued by American Arbitration Association (“AAA”) Arbitrator Stacey Gilman in Valve’s favor, dated July 22, 2025 (the “Final Award”),<sup>1</sup> in the matter *Kemp v. Valve Corporation dba Steam*, AAA Case No. 01-23-0005-7451 (the “Arbitration”).<sup>2</sup> Valve also requests that the Court enter judgment in accordance with the Final Award pursuant to RCW 7.04A.250.

<sup>1</sup> Valve will be filing a motion to seal the Final Award to request limited redactions of confidential information. A redacted version of the Final Award is attached as Exhibit 1 to the Declaration of Blake Marks-Dias filed herewith, dated July 23, 2025 (“Decl.” and exhibits thereto “Ex.”).

<sup>2</sup> Valve will be filing a motion to consolidate this Petition with a petition to confirm arbitration award in a similar arbitration presided over by the same arbitrator. Consolidation will streamline the proceedings and avoid unnecessary cost or delay because the awards are in almost all material respects identical, and the petitions request the same relief. King County Superior Court (Hon. Michael Scott) recently granted similar motions Valve filed to consolidate petitions to confirm arbitration awards in similar sets of arbitrations. See *Valve Corp. v. Gonzalez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 14, 2025) (Ex. 2)); *Valve Corp. v. Gonzalez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. May 20, 2025) (Ex. 3).

**VALVE CORPORATION'S  
PETITION TO CONFIRM  
ARBITRATION AWARD – 1**

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1                   **I.        STATEMENT OF FACTS**

2                   Valve is a corporation organized under the laws of Washington State with its principal place  
 3 of business in King County, Washington. (Decl. ¶ 2.)

4                   On October 2, 2023, Respondent Tyler Kemp (“Respondent”) filed a demand for arbitration  
 5 against Valve with the AAA alleging anticompetitive practices regarding prices on Valve’s digital  
 6 gaming platform, Steam. (Ex. 1 at 4-5.) Respondent asserted claims under Sections 1 and 2 of the  
 7 Sherman Act and the Washington Consumer Protection Act. (*Id.* at 4.)

8                   While the parties disputed whether Respondent could proceed in arbitration, the arbitrator  
 9 permitted the Arbitration to proceed.<sup>3</sup> (Decl. ¶ 4; Ex. 1 at 1-2.)

10                  Following a multi-day arbitration hearing, on July 22, 2025, Arbitrator Gilman issued the  
 11 Final Award in the Arbitration. (Decl. ¶ 5.)

12                  On July 23, 2025, the AAA transmitted the Final Award to the parties. (Decl. ¶ 6.)

13                  The arbitrator found in the Final Award that:

- 14                  (i)     Respondent did not prove any “*per se*” violation of Section 1 of the Sherman Act  
                         because “the rule of reason applies to [Respondent’s] claims” and, in any event,  
                         Respondent “has not presented evidence of a *per se* violation.” (Ex. 1 at 5-6.)
- 15                  (ii)    Respondent did not prove any violation of Section 1 of the Sherman Act under the  
                         rule of reason because Respondent (a) “failed to carry his initial burden of proving a  
                         relevant antitrust market,” (b) “did not establish an actionable harm to competition,”  
                         and (c) “did not present persuasive evidence or analysis to prove Valve has or  
                         consistently enforces a ‘price parity rule,’ to such an extent that it suppresses price  
                         competition among platforms,” or any other anticompetitive conduct. (Ex. 1 at 8-9.)

23  
 24                  <sup>3</sup> On October 18, 2024, Valve filed a Petition to Enjoin Arbitrations in an action in the U.S.  
 25 District Court for the Western District of Washington captioned *Valve Corporation v. Abbruzzese*,  
 26 No. 2:24-cv-01717 (the “Petition”). The Petition seeks to enjoin arbitrations brought by Respondent  
 27 and hundreds of other claimants represented by the same counsel against Valve. The relief sought in  
 28 the Petition as to Respondent is now moot.

1 Moreover, even if Respondent had established a relevant antitrust market, actionable  
 2 harm to competition, and anticompetitive conduct, “which was not the case,”  
 3 Respondent’s claim still failed because (a) “Valve has shown procompetitive  
 4 justifications for the challenged conduct” and (b) “[t]he evidence did not show that  
 5 ‘the same benefits could have been readily achieved by other, reasonably available  
 6 alternative means that create substantially less harm to competition.’” (*Id.* at 11-14.)

7 (iii) Respondent did not prove any violation of Section 2 of the Sherman Act under the  
 8 rule of reason because Respondent (a) “did not make the necessary showings by a  
 9 preponderance of the evidence” that “Valve has monopoly power,” (b) did not prove  
 10 that Valve engaged in anticompetitive conduct, and (c) “did not prove ‘antitrust  
 11 injury’” or damages. (Ex. 1 at 14-15.)

12 (iv) Respondent did not prove a violation of the Washington Consumer Protection Act:  
 13 “Since this [claim] tracks the Sherman Act, [Respondent’s] state law claims fail for  
 14 the same reasons as his Sherman Act claims.” (Ex. 1 at 16.)

15 The final binding award was as follows:

16 Claimant’s [Respondent here] claims are hereby DENIED.

17 The administrative fees of the American Arbitration Association shall be borne as  
 18 incurred, and the compensation of the arbitrator shall be borne as incurred.

19 This Final Award is in full settlement of all claims submitted to this arbitration. All  
 20 claims not expressly granted herein are hereby denied.

21 (Ex. 1 at 16-17.)

## 22 II. STATEMENT OF ISSUES

23 Whether the Court should enter an order confirming Arbitrator Gilman’s Final Award and  
 24 enter judgment in accordance with the Final Award.

25  
 26  
 27 VALVE CORPORATION’S  
 28 PETITION TO CONFIRM  
 ARBITRATION AWARD – 3

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### **III. EVIDENCE RELIED UPON**

This petition is based upon the Declaration of Blake Marks-Dias, dated July 23, 2025, along with the exhibits thereto.

#### **IV. ARGUMENT AND LEGAL AUTHORITY**

**A. The Final Award Should Be Confirmed Under RCW 7.04A.220**

The Final Award should be confirmed. Under the Washington Uniform Arbitration Act, “[a]fter a party to [an] arbitration proceeding receives notice of an award, the party may file a motion with the court for an order confirming the award.” RCW 7.04A.220. “[T]he court shall issue such an order unless the award is modified or corrected under RCW 7.04A.200 or 7.04A.240 or is vacated under RCW 7.04A.230.” *Id.*

On July 23, 2025, Valve and Respondent received notice of the Final Award. (Decl. ¶ 6.) The Final Award has not been modified under RCW 7.04A.200 or 7.04A.240 or vacated under RCW 7.04A.230. (Decl. ¶ 8.) Accordingly, Valve is entitled to entry of an order confirming the Final Award. Valve notes that the Washington Superior Court recently granted 22 petitions to confirm in a similar set of arbitrations in which Valve prevailed.<sup>4</sup>

<sup>4</sup> *Valve Corp. v. Anderson*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Banks*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Clark*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Duan*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Gonzalez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Knooihuizen*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Loomis*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. O'Brien*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Otey*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Pedrick*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Rosales*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Schultz*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Toft*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Trodden*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Wilkerson*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Womack*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. LaPaglia*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Theriot*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Mac Dougall*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Holm*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Enriquez*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025); *Valve Corp. v. Martinolich*, No. 25-2-06159-1 SEA (Wash. Super. Ct. Mar. 31, 2025). (See Ex. 4 (exemplar order).)

**B. Valve Is Entitled to a Judgment in Conformity with the Final Award**

Valve is entitled to a judgment in accordance with the Final Award. Upon granting an order confirming an award, the Court “shall enter a judgment in conformity with the order.” RCW 7.04A.250. The court has “a mere ministerial duty to reduce the award to judgment,” *Price v. Farmers Ins. Co. of Wash.*, 133 Wash.2d 490, 497 (1997), and cannot “go behind the face of the award,” *id.* at 496-97.

## **V. CONCLUSION**

For the foregoing reasons, Valve respectfully requests that the Court grant this Petition to confirm the Final Award and enter judgment in conformity therewith.

DATED: July 23, 2025

I certify that this memorandum contains 1,405 words, in compliance with the Local Civil Rules.

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s/ Blake Marks-Dias

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**VALVE CORPORATION'S  
PETITION TO CONFIRM  
ARBITRATION AWARD – 5**

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